

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

-

WRIT PETITION NO : 18896 of 1999

Between:

P.Vijay Kumar, S/o P.Atchut Desai,
R/o 45-26-30, Annapurnamma Pet,
Rajahmundry, East Godavari District

... PETITIONER

AND

- 1 The Vice Chancellor, Andhra University,
Visakhapatnam.
- 2 The Principal, A.U.Colleges of Arts and Commerce,

Visakhapatnam.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ order or direction more particularly one in the nature of Writ of Mandamus or any other appropriate Writ or direction declaring the action of the Respondents in demanding the petitioner and other LBC candidates to pay fee Rs.15515/- and Rs.15,700/- respectively for Andhra University Post Graduate Centers MBC (Full Time) (Self Financing) and MBA (Full Time) for affiliated Colleges as highly illegal, arbitrary, unjust improper and consequently direct the respondents to allot seat on payment of fee on par with BC'C' candidates and pass

Counsel for the Petitioner: MR.BADANA.BHASKARA RAO

Counsel for the Respondents: MR.P.B.VIJAY KUMAR.

The Court made the following :

ORDER:

The petitioner filed the instant writ petition seeking a writ of mandamus declaring the action of the respondents, namely, the Vice-chancellor of Andhra University and the Principal of Andhra University College of Arts and Commerce, Visakhapatnam, in demanding the petitioner and other candidates belonging to Backward Classes to pay an amount of Rs.15,515/- and Rs.15,700/- for M.B.A. (Self Financing) course in Andhra University P.G.Centres and M.B.A.(Self Financing) course in affiliated colleges respectively, as illegal and arbitrary. The petitioner also seeks a direction to the respondents to allot a seat after collecting fee prescribed for the students belonging to B.C-C community.

The petitioner applied to the respondents for admission into M.B.A. (Full Time) course in the second respondent's college, as well as in Andhra University P.G. Centres at Kakinada, Srikakulam and other affiliated colleges. The petitioner was advised by Admission Interview Memo ("AIM" for brevity) to appear before the Admission Committee for admission on 28.08.1999. In the said AIM, the petitioner was informed the fee particulars. According to the fee particulars, the fee prescribed for S.Cs, S.Ts and B.C-C candidates for M.B.A (Full Time) course in affiliated colleges is Rs.1,200/-, whereas, for other students, including L.B.C. candidates, it is Rs.15,700/-. In the case of P.G.Centres at Kakinada and Srikakulam, the fee prescribed is Rs.1,115/- and Rs.15,515/- respectively. The petitioner approached this Court at that stage. This Court while admitting the writ petition directed the respondents to reserve one seat for the year 1999-2000 if all the seats are not filled up. At the time of hearing, it is brought to the notice of this Court that as the last date for admissions was coming to an end, the petitioner opted for affiliated college and paid a fee of Rs.15,700/- as per AIM.

In the counter affidavit filed by the Principal of Andhra University College of Arts and Commerce, it is stated that the fee structure has been decided by the University in accordance with the Government Orders in G.O.Ms.No.5, dated 24.01.1981, and that there is no discrimination as alleged.

A copy of the G.O.Ms.No.5, dated 24.01.1981 has been annexed to the counter

affidavit. By the said G.O., an amendment was made to G.O.Ms.No.1793, dated 23.09.1970 (List of Backward Classes) by reason of which, an entry as "Scheduled Castes Converts" was introduced under B.C-C, and the Scheduled Castes Converts to Christianity and their progeny are identified as "Backward Classes". The effect of the said G.O. is virtually treating B.C-C (Scheduled Castes Converts to Christianity) as S.Cs & S.Ts in the matter of fee structure. The petitioner has not specifically challenged G.O.Ms.No.5, dated 24.01.1981. Therefore, this Court does not find any infirmity or arbitrariness in the action of the respondents in fixing the fee separately for S.Cs, S.Ts and B.C-C candidates and for other L.B.C. candidates.

The writ petition, for the above reason, is dismissed. No costs.

(V.V.S.RAO, J)

27th October, 2004.

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To

- 1 The Vice Chancellor, Andhra University,
Visakhapatnam.
- 2 The Principal, A.U.Colleges of Arts and Commerce,
Visakhapatnam.

3. Two C.D.copies.